

Surface Mining Reclamation and Enforcement, Interior

§ 950.30

ARTICLE XIII: CHANGES IN STATE OR FEDERAL STANDARDS

31. The Department or the State may promulgate new or revised performance or reclamation requirements or administration and enforcement procedures. OSMRE and the State shall immediately inform each other of any final changes and of any effect such changes may have on this Agreement. If it is determined to be necessary to keep this Agreement in force, the State shall take legislative action and each party shall change or revise its regulations or promulgate new regulations, as applicable. Such changes shall be made under the procedures of 30 CFR Part 732 for changes to the Program and sections 501 and 523 of the Act for changes to the Federal lands program.

32. The State and the Department shall provide each other with copies of any changes to their respective laws, rules, regulations, and standards pertaining to the enforcement and administration of this Agreement.

ARTICLE XIV: CHANGES IN PERSONNEL AND ORGANIZATION

33. The State and the Department shall, consistent with 30 CFR Part 745, advise each other of changes in organization, structure, functions, duties and funds of the offices, departments, divisions, and persons within their organizations. Each shall promptly advise the other in writing of changes in key personnel, including the heads of a department or division, or changes in the functions or duties of persons occupying the principal offices within the structure of the Program. The State and the Department shall advise each other in writing of changes in the location of offices, addresses, telephone numbers, and changes in the names, locations and telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible.

ARTICLE XV: RESERVATION OF RIGHTS

34. In accordance with 30 CFR 745.13, this Agreement shall not be construed as waiving or preventing the assertion of any rights that have not been expressly addressed in this Agreement, that the State or the Secretary may have under other laws or regulations, including the Surface Mining Control and Reclamation Act of 1977, the Mineral Leasing Act, as amended, the Mineral Leasing Act for Acquired Lands, the Stockraising Homestead Act, the Federal Land Policy and Management Act, other Federal laws including but not limited to those listed in Appendix A, the Constitution of the United States, and the Constitution of the State or State laws.

ARTICLE XVI: DEFINITIONS

35. Terms and phrases used in this Agreement which are defined in 30 CFR Parts 700, 701 and 740, or the Program shall be given the meanings set forth in said definitions. Where there is a conflict between any definitions, the definitions used in the Program will apply except in the case of a term which conflicts with the Secretary's remaining responsibilities under the Act and other laws.

APPENDIX A

(1) Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 *et seq.*, and implementing regulations.

(2) The Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.*, and implementing regulations.

(3) The Mineral Leasing Act of 1920, 30 U.S.C. *et seq.*, and implementing regulations including 43 CFR Part 3480 *et seq.*

(4) The Mineral Leasing Act for Acquired Lands of 1947, as amended, 30 U.S.C. 351 *et seq.*, and implementing regulations.

(5) The National Environmental Policy Act of 1969, 42 U.S.C. 4312 *et seq.*, and implementing regulations including 40 CFR Part 1500 *et seq.*

(6) The Endangered Species Act, 16 U.S.C. 1531 *et seq.*, and implementing regulations including 50 CFR Part 402.

(7) The National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*, and implementing regulations including 36 CFR Part 800 and Executive Order 11593 (May 13, 1971).

(8) The Clean Air Act, 42 U.S.C. 7401 *et seq.*, and implementing regulations.

(9) The Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, and implementing regulations.

(10) The Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq.*, and implementing regulations.

(11) The Reservoir Salvage Act of 1960, amended by the Preservation and Historical and Archaeological Data Act of 1974, 16 U.S.C. 469 *et seq.*

(12) Executive Order 11988 (May 24, 1977) for floodplain protection. Executive Order 11990 (May 24, 1977) for wetland protections.

(13) The Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661-667.

(14) The Bald and Golden Eagle Protection Act of 1940, as amended, 16 U.S.C. 668-668d, and implementing regulations.

(16) The Migratory Bird Treaty Act, as amended, 16 U.S.C. 701-718h.

[51 FR 45089, Dec. 16, 1986]

§ 950.30 Approval of Wyoming abandoned mine land reclamation plan.

The Wyoming Abandoned Mine Land Reclamation Plan, as submitted on August 16, 1982, and as subsequently revised, is approved effective February

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14, 1983. Copies of the approved program are available at:

Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, room 2128, Casper, WY 82601–1918.

State of Wyoming, Department of Environmental Quality, Abandoned Mine Lands Division, Herschler Building, Third Floor West, 122 West 25th Street, Cheyenne, WY 82002.

[57 FR 12733, Apr. 13, 1992]

§ 950.35 Approval of Wyoming abandoned mine land reclamation plan amendments.

(a) Wyoming certification of completing all known coal-related impacts is accepted, effective May 25, 1984.

(b) The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
December 16, 1991 .. April 21, 1995	April 13, 1992 February 21, 1996 ..	W.S. 35–11–1201 through 1304; Chs I through VIII of State's AML rules. W.S. 35–11–1206(a), (b); –1209(a), (b).

[62 FR 9959, Mar. 5, 1997]

§ 950.36 Required abandoned mine land plan amendments.

Pursuant to 30 CFR 884.15, Wyoming is required to submit to OSM by the date specified a reasonable timetable, which is consistent with Wyoming's established administrative and legislative procedures, for submitting an amendment to the State reclamation plan.

(a) By March 22, 1996, Wyoming shall submit a schedule for revising W.S. 35–11–1206(a) to remove the phrases “cost of reclamation or the” and “, whichever is less” and revising W.S. 35–11–1206(b) to remove the phrase “, but not exceeding the cost of the reclamation work,”.

(b) By March 22, 1996, Wyoming shall submit a schedule for revising W.S. 1209(a), or otherwise revise its statute, rules and/or plan, to include:

(1) Notices of violation in the criteria for determining the eligibility of construction contractors or professional services contractors awarded an abandoned mine land reclamation contract; and

(2) A requirement that a contractor's eligibility shall be confirmed using OSM's Applicant/Violator System.

[61 FR 6540, Feb. 21, 1996]

PART 955—CERTIFICATION OF BLASTERS IN FEDERAL PROGRAM STATES AND ON INDIAN LANDS

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AUTHORITY: Pub. L. 95–87 (30 U.S.C. 1201 *et seq.*), sec. 955.13 also issued under sec. 9701, Pub. L. 97–258 (31 U.S.C. 9701).

SOURCE: 51 FR 19462, May 29, 1986, unless otherwise noted.

§ 955.1 Scope.

This part establishes rules pursuant to part 850 of this chapter for the training, examination and certification of blasters by OSM for surface coal mining operations in States with Federal programs and on Indian lands. It governs the issuance, renewal, reissuance, suspension and revocation of an OSM blaster certificate, replacement of a